IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 6367 of 2007(G)

PETITIONER:

G.AJITH KUMAR, S/O GANGADHARAN NAIR,
AGED 42, K.G.BHAVAN, T.C.30/217,
ANAYARA P.O., THIRUVANANTHAPURAM-695 029.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,LOCAL ADMINISTRATION DEPARTMENT, GOVERNMENT OF KERALA,SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CORPORATION OF THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

R1 BY ADV. SRI. K.J. MOHAMMED ANZAR, GOVT. PLEADER.
R2 BY ADV. SRI. N.NANDAKUMARA MENON, SC, TVM CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6367 OF 2007

Dated this the 11th day of September, 2007

JUDGMENT

I do not propose to go into the merits of the various grounds raised in this Writ Petition. But the ground that Ext.P5 was issued without hearing the petitioner and in violation of principles of natural justice, appeals to me. I quash Ext.P5 on that ground alone and direct the 1st respondent [Secretary(LSGD), Government of Kerala] to hear the petitioner and pass fresh orders taking into account the various grounds raised in the Writ Petition and after getting a report from the Chief Town Planner. The 1st respondent will have due regard to the argument of the petitioner that the new scheme which is proposed as per GO(MS) No.144/07/LSGD dt.31.5.07 is the scheme which to be applied while taking decision.

PIUS C. KURIAKOSE, JUDGE

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